

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Vernon Schaaf, Julian Boik, and
Alfred Streufert, on behalf of
themselves and others similarly
situated,

Plaintiffs,

v.

Civ. No. 05-1319 (JNE/SRN)
ORDER

Residential Funding Corporation and
Heller Financial, Inc.,

Defendants,
and

Marshall & Isley Bank,

Nominal Defendant.

In a Report and Recommendation dated July 27, 2006, the Honorable Susan Richard Nelson, United States Magistrate Judge, recommended that Defendants' Motion to Dismiss and/or Strike be granted and that Plaintiffs' claims be dismissed. Plaintiffs objected to the Report and Recommendation. The Court has conducted a de novo review of the record. Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Defendants' Motion to Dismiss and/or Strike [Docket No. 33] is GRANTED.
2. Plaintiffs' Complaint is DISMISSED.

Dated: August 29, 2006

s/ Joan N. Erickson
JOAN N. ERICKSEN
United States District Judge